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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,806	06/18/2001	Craig Stuart Skinner	PALM-3611.US.P	4757

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EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/884,806

Applicant(s)

SKINNER ET AL.

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 09/884,806 received on 18 June 2001.
2. Claims 1-31 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 29 recite the limitation "'said format'". There is insufficient antecedent basis for this limitation in the claim.

Claim Interpretation

3. Before a detailed mapping, a short discussion of the claims should be made to clarify Examiner's interpretation of the claims. Regarding independent claims, Applicant claims nothing more than making a backup copy of data on an electronic device (claims 1 and 22) and selecting a backup copy (claim 11). Regarding the dependent claims, Applicant claims storing the backup data in memory of another electronic device where the user can restore the data. Functions such as creating and storing files, searching for files following a format, displaying lists of files following a format, and acknowledging

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selection of a file by a user are all basic functions of a computer system and are well known in the art. Examiner interprets the main point of the claimed invention to include creating backup files of data (configuration files, application data) each file with a unique identification to the user's device and storing the backup data on a second device, enabling the user to restore data at a later time.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Blonder (U.S. Patent Number 5,802,275).

4. Regarding claims 1 and 22, Blonder discloses in an electronic device, a method of restoration comprising the steps of:

automatically extracting information unique to said electronic device;

automatically creating a personality file;

automatically writing said information into said personality file; and

automatically storing said personality file on said electronic device (Blonder, col.

3, line 60 through col. 4, line 15, col. 6, lines 13-30, Blonder teaches the user being able to choose data for their PDA, and the server encrypts the data to a file using the ID

of the user's PDA, and the user has the option of also backing up their current data by transferring it to the server. It is inherent that the user being able to backup their files on the server includes creating the file to backup, and that backup file is unique to said device by their encryption id).

5. Regarding claims 2 and 23, Blonder discloses the limitations, substantially as claimed, as described in claims 1 and 22, including transferring the data to a second device (Blonder, col. 6, lines 13-30).

6. Regarding claims 4 and 25, Blonder discloses the limitations, substantially as claimed, as described in claims 1 and 22, including storing said personality file in random access memory (Blonder, col. 6, lines 15-30, Blonder teaches the user transferring files to the server, which means the file is stored in RAM).

7. Regarding claims 5, 11, 12, and 26, Blonder discloses the limitations, substantially as claimed, as described in claims 1 and 22, including
automatically locating a plurality files, including said personality file, stored within said electronic device containing said information, each of said plurality files following a format unique said method; automatically displaying a list of said plurality files; automatically acknowledging selection of one of said plurality of files, a selected file; and automatically importing data contained within said selected file into said selected device (Blonder, col. 3, lines 60-67, col. 6, lines 15-35, Blonder teaches the user

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requesting software from a plurality of software for the user's unique PDA to import to their PDA).

8. Regarding claims 9, 21 and 30, Blonder discloses the limitations, substantially as claimed, as described in claims 1, 11, and 22, including wherein said electronic device is a personal digital assistant with wireless capabilities (Blonder, col. 1, lines 35-40).

9. Regarding claims 10 and 31, Blonder discloses the limitations, substantially as claimed, as described in claims 1 and 22, including wherein said personality file is a memo file associated with a memo application in an operating system of said electronic device (Blonder, col. 6, lines 24-26, Blonder teaches that users can back up data files related to applications).

10. Regarding claim 15, Blonder discloses the limitations, substantially as claimed, as described in claim 11, including acknowledging selection of said selected file by a user (Blonder, col. 6, lines 20-30, Blonder teaches users being able to make a selection of data to restore and the server transferring it, inherently acknowledging the user's selection).

11. Regarding claims 16, 17, and 18, Blonder discloses the limitations, substantially as claimed, as described in claim 11, including automatically extracting data unique to said electronic device, creating a personality file, writing data to said personality file, and storing said personality file on said electronic device, said personality file also said

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selected file (Blonder, col. 3, lines 60-65, col. 4, lines 5-15, col. 4, lines 40-50, Blonder teaches encrypted data stored on the server by the unique id of the device, col. 6, lines 15-30, Blonder teaches users being able to transfer data to the server using this unique ID as the identification of the device's data, inherently meaning that the user must create and store the file of device data before transferring, and also inherently meaning that the devices must be synchronized for proper data transfer).

12. Regarding claim 19, Blonder discloses the limitations, substantially as claimed, as described in claim 17, including locating personality file on said second electronic device and storing a copy of said personality file on said electronic device (Blonder, col. 6, lines 15-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder in view of obviousness.

13. Regarding claims 3, 13, and 24, Blonder discloses the limitations, substantially as claimed, as described in claims 1 and 22. Blonder also teaches that the reason for backing up software is for getting rid of viruses (Blonder, col. 2, lines 10-25). Blonder

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does not explicitly state extracting state information unique to said electronic device, said state information configuring said electronic device for communication. However, it would have been obvious to one in the ordinary skill in the art at the time of the invention that backing up software in case of a virus would also include backing up configuration settings for wireless communications within a PDA to provide the user with a fresh copy of software that is clean from any virus (Blonder, col. 1, lines 10-40).

14. Regarding claims 6, 7, 14, and 27, and 28, Blonder discloses the limitations, substantially as claimed, as described in claims 5, 12, and 26. Blonder also teaches that the reason for backing up software is for getting rid of viruses (Blonder, col. 2, lines 10-25). Blonder does not explicitly state wherein the data comprises a plurality of pre-determined operational parameters, each of which are stored in a corresponding pre-determined location within flash memory of said electronic device and wherein said step h) further comprises the step automatically importing each of said plurality of pre-determined operational parameters to said corresponding pre-determined locations. However, it would have been obvious to one in the ordinary skill in the art at the time of the invention that backing up software in case of a virus would also include importing predetermined operational parameters to said corresponding predetermined locations within flash ROM in order for the electronic device to function properly as it did without the virus.

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15. Regarding claims 8, 20, and 29, Blonder discloses the limitations, substantially as claimed, as described in claims 1, 11, and 22, including wherein files are in a format including a serial number of said electronic device (Blonder, col. 3, line 55 through col. 4, line 15, Blonder teaches files being encrypted with device ID). Blonder does not explicitly state wherein said format includes time/date stamp or following that format. However, it would have been obvious to one in the ordinary skill in the art at the time of the invention to include time/date stamp for each created file to enable users to keep track of backed up files on the server.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571)272-3910. The examiner can normally be reached on M-F 8:30am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison
Patent Examiner
Art Unit 2143



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